

KRISTEN CLARKE
Assistant Attorney General for Civil Rights
CARRIE PAGNUCCO
Chief
MEGAN K. WHYTE DE VASQUEZ
Deputy Chief
ARIELLE R. L. REID
ALAN A. MARTINSON
KATHERINE A. RAIMONDO
Trial Attorneys
Housing and Civil Enforcement Section
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Tel: (202) 598-1575

PHILLIP A. TALBERT
United States Attorney
EMILIA P. E. MORRIS
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Tel: (559) 497-4000

Attorneys for Plaintiff United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOEL LYNN NOLEN; SHIRLEE NOLEN;
NOLEN PROPERTIES, LLC; NANCY
CANALE, as trustee of the Bernard Canale
and Nancy Canale 1998 Revocable Trust; and
BERNARD CANALE, by and through his
successor in interest NANCY CANALE.

Defendants.

Case No: 2:23-cv-00320-JAM-CKD

STIPULATION TO AMEND SCHEDULING ORDER

**ORDER MODIFYING PRETRIAL
SCHEDULING ORDER (ECF No. 59)**

Plaintiff United States of America and Defendants Joel L. Nolen, Shirlee Nolen, Nolen Properties, LLC, Nancy Canale, as trustee of the Bernard Canale and Nancy Canale 1998

Revocable Trust, and Bernard Canale, by and through his successor in interest Nancy Canale, stipulate as follows:

1. On September 14, 2023, the Court entered a Pretrial Scheduling Order (ECF 44) (“Scheduling Order”).

2. On March 5, 2024, upon stipulation of the parties, the court entered an Order Modifying Pretrial Scheduling Order (ECF 52), which set forth the following schedule:

Expert Witness Disclosures	July 5, 2024
Supplemental/Rebuttal Expert Disclosures	July 19, 2024
Joint Mid-Litigation Statements	August 16, 2024
Close of All Discovery	August 30, 2024
Last Day to File Dispositive Motions	October 25, 2024
Hearing on Dispositive Motions	January 7, 2025
Final Pretrial Conference	March 7, 2025
Trial	April 28, 2025

3. On May 6, 2024, after meet and confer efforts regarding Defendants Joel and Shirlee Nolen’s responses to the United States’ requests for production and interrogatories were unsuccessful, the United States filed a Notice of Motion and Motion to Compel (ECF 55), accompanied by a Joint Statement re: Discovery Disagreement (ECF 56). Oral argument was held on the motion on May 29, 2024.

4. On May 30, 2024, the Court issued an Order regarding the United States’ motion to compel (ECF 58). Among other things, the Court ordered Defendants Joel and Shirlee Nolen to provide revised responses to interrogatories and produce documents related to their financial condition within 21 days (i.e., by June 20, 2024).

5. The United States intends to disclose an expert to address issues related to Defendants Joel and Shirlee Nolen’s financial condition. In order to sufficiently review and analyze the anticipated additional financial information that will be produced by Defendants and incorporate it into an expert report, the United States’ expert requires a brief additional period of time, beyond the current July 5 deadline, to prepare and finalize an expert report.

6. Therefore, the parties have agreed that an extension of certain deadlines is appropriate to provide additional time to complete expert disclosures. The parties propose the following schedule, which does not alter the trial date:

	Current Date	Proposed Date
Expert Witness Disclosures	July 5, 2024	August 2, 2024
Supplemental/Rebuttal Expert Disclosures	July 19, 2024	August 16, 2024
Joint Mid-Litigation Statements	August 16, 2024	September 13, 2024
Close of All Discovery	August 30, 2024	September 30, 2024
Last Date to File Dispositive Motions	October 25, 2024	November 1, 2024
Hearing on Dispositive Motions	January 7, 2025	January 7, 2025
Final Pretrial Conference	March 7, 2025	March 7, 2025
Trial	April 28, 2025	April 28, 2025

RESPECTFULLY SUBMITTED,

For the United States:

DATED: June 17, 2024

PHILLIP A. TALBERT
United States Attorney
Eastern District of California

/s/ Emilia P. E. Morris
EMILIA P. E. MORRIS
Assistant United States Attorney

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

/s/ Alan A. Martinson
CARRIE PAGNUCCO
Chief
MEGAN K. WHYTE DE VASQUEZ
Deputy Chief
ARIELLE R. L. REID
ALAN A. MARTINSON
KATHERINE A. RAIMONDO
Trial Attorneys

For the Defendants:

1 DATED: June 17, 2024

SIERRA LAW CENTER, APC

2
3 By: /s/ Jacob Zamora

4 JACOB ZAMORA

5 Attorneys for Defendant

6 NOLEN PROPERTIES, LLC

7 DATED: June 17, 2024

LEWIS BRISBOIS BISGAARD &
8 SMITH LLP

9
10 By: /s/ Jeffrey E. Schultz

11 JOHN S. POULOS

JEFFREY E. SCHULTZ

12 Attorneys for Defendants JOEL NOLEN
and SHIRLEE NOLEN

13
14 DATED: June 17, 2024

JACOBS, ANDERSON, POTTER, HARVEY
15 AND CECIL LLP

16
17 By: /s/ Andrea Wieder

18 DOUG JACOBS

ANDREA WIEDER

19 Attorneys for Defendants NANCY
CANALE and BERNARD CANALE

ORDER MODIFYING PRETRIAL SCHEDULING ORDER

Pursuant to the parties' stipulation and good cause appearing, the pretrial scheduling order is **MODIFIED** as follows:

	<u>New Date</u>
Expert Witness Disclosures	<u>August 2, 2024</u>
Supplemental/Rebuttal Expert Disclosures	<u>August 16, 2024</u>
Joint Mid-Litigation Statements	<u>September 13, 2024</u>
Close of All Discovery	<u>September 30, 2024</u>
Last Date to File Dispositive Motions	<u>November 22, 2024</u>
Hearing on Dispositive Motions	<u>January 28, 2025, at 01:00 p.m.</u> ¹
Joint Pretrial Statement Filing Deadline	<u>March 13, 2025</u>
Final Pretrial Conference	<u>March 21, 2025, at 11:00 a.m.</u>
Trial (5-10 days)	<u>May 05, 2025, at 09:00 a.m.</u>

All other instructions contained in the September 14, 2023 Pretrial Scheduling Order (ECF No. 44) shall remain in effect.

IT IS SO ORDERED.

Dated: June 17, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹ Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.